

**DECISION – WALPOLE ZONING BOARD OF APPEALS CASE NO. 12-17**

**APPLICANT**  
MARY CIANNAVEI

**LOCATION OF PROPERTY INVOLVED**  
173 Pemberton Street, Walpole, MA and shown on the Assessors Map 17 and Lot No.'s 277 &  
278  
Zoning District: RB

**APPLICATION**

Variance under Section 6-B of the Zoning Bylaw to allow the construction of a single family home on Lots 4 & 4A with 100 +/- frontage and for the existing house at 173 Pemberton Street, Lots 3 & 3A for 100 +/- frontage.

On July 26, 2017 a Public Hearing was held in the Main Meeting Room of Town Hall for the purpose of receiving information and voting upon a decision as to the granting of a Variance for the relief requested.

The following members were present and voting:

Matthew Zuker, Chairman  
James DeCelle, Vice Chairman  
Craig W. Hiltz, Clerk  
Susanne Murphy, Member  
Mary Jane Coffey, Member

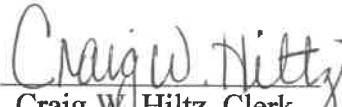
A motion was made by Ms. Murphy, seconded by Mr. Hiltz to grant a Variance from Section 6-B of the Zoning Bylaw to allow for the construction of a single family home on Lots 4 & 4A with 100 +/- frontage and for the existing house at 173 Pemberton Street, Lots 3 & 3A for 100 +/- frontage.

The vote was **1-4-0 opposed** (Murphy in favor; Zuker, DeCelle, Hiltz and Coffey opposed); therefore the application for a **Variance** under Section 6-B is hereby **denied**. Thus the Board found that the Applicant had not presented or produced evidence sufficient to meet the prerequisites for the granting of the Variance Permit such as the following; lack of unique property shape, lack of different/ unique soil conditions or topography of the land compared to other parcels generally in the district. The applicant presented at the public hearing that the lots were rectangular in shape, the ground was level with no substantial rocky or wetland areas, all similar to other lots in the district and each lot was the same size as other lots in the district. The only hardship that was presented was the hardship generated by the Bylaw change in 1985 that rezoned the property from GR to RB, requiring 125' of frontage, in which the two lots were held in common ownership.

17 AUG - 8 PM  
TOWN OF WALPOLE  
TOWN CLERK

MASSACHUSETTS GENERAL LAWS c. 40A, s. 15 PROVIDES THAT APPEALS FROM A DECISION OF A BOARD OF APPEALS SHALL BE MADE PURSUANT TO SECTION 17 OF C. 40A AND SHALL BE FILED WITHIN TWENTY DAYS AFTER THE DATE OF FILING OF THE NOTICE OF DECISION IN THE OFFICE OF THE CITY OR TOWN CLERK.

WALPOLE ZONING BOARD OF APPEALS

  
Craig W. Hiltz, Clerk

CH/am

cc: Town Clerk	Engineering	Planning Board	Applicant
Board of Selectmen	Building Inspector	Conservation Commission	Abutters

This decision was made on July 26, 2017 and filed with the Town Clerk on August 8, 2017.